



Societies Without Borders

Volume 2 | Issue 2


Article 9

2007

Book Review of The Witnesses: War Crimes and the Promise of Justice in The Hague

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Recommended Citation

Aspel. 2007. "Book Review of The Witnesses: War Crimes and the Promise of Justice in The Hague." *Societies Without Borders* 2 (2): 291-292.

Available at: <https://scholarlycommons.law.case.edu/swb/vol2/iss2/9>

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Societies Without Borders 2 (2007) 291–298

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Book Reviews

The Witnesses: War Crimes and the Promise of Justice in The Hague by Eric Stover (Philadelphia, PA: University of Pennsylvania Press, 2005, 230 pp., hard cover, \$59.95).

Reviewer: Joyce Aspel, New York University, New York, USA

Impunity has been a recurrent feature of those who carry out crimes against humanity, genocide and other gross human rights violations in the twentieth and twenty-first centuries. Most perpetrators of these crimes get away with it, and from Chechnya to Darfur, continue to do so. In looking for mechanisms to punish and prevent such crimes, the international tribunals for the former Yugoslavia and Rwanda along with the International Criminal Court take on great importance.

Eric Stover's *The Witnesses: War Crimes and the Promise of Justice in The Hague* includes interviews and analysis of the experiences of witnesses at the International Criminal Tribunal for Yugoslavia (ICTY). Stover compellingly describes the difficulty of trying to achieve some form of justice for victims and their communities within the complex workings of the international tribunal.

This volume is an outgrowth of Stover's participation in the Communities in Crisis Project: Justice, Accountability, and Social Reconstruction in Rwanda and Yugoslavia and builds upon decades of fieldwork. Over four years, the author conducted a series of interviews with thirty-three ICTY staff members. Also, and this is the unique perspective of this volume, Stover interviews eighty-seven individuals most of whom were noncombatants who experienced and/or witnessed war crimes ranging from rape to torture to ethnic cleansing and who testified at the ICTY. The sample is small (by the end of 2004 over two thousand witnesses testified before the ICTY) and includes sixty-two Bosnian Muslims, twenty Croats, and five Bosnian Serbs. Interviews occur a relatively short time after the witnesses testify, providing much needed information on the difficulties of bearing witness. What is it like to be a witness at an international criminal tribunal?

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DOI: 10.1163/187219107X203621

Why do victim witnesses testify? What range of emotions and experiences, many of them unforeseeable, do they have while being at the Hague? How are their lives and views affected afterward?

The book analyzes the ICTY from its structure and judges to the tension between legal procedures and the desire of witnesses to detail their stories at length. Through weaving in the voices of witnesses, the book digs deep into the range of psychological and physiological reactions and situations of witnesses. For example, there is the woman who agrees to testify about how she was raped and brutalized under the condition that she be flown secretly to the Hague. She then returns home to care for her ill husband who dies without knowing about the rape or her testimony. Tensions and violence between ethnic communities in the former Yugoslavia continue, as one witness pointed out. Witnesses experience a range of emotions from feelings of resentment and abandonment by the tribunal to disillusionment particularly after sentences for perpetrators are reduced on appeal.

Stover concludes with a series of important recommendations for both the international tribunals and in the local courts, including specific ways to improve meeting the needs of both prosecution and defense witnesses. Stover's interdisciplinary perspective and interviews with victim witnesses provides a work suitable for a range of audiences from human rights classes to social science researchers. This book represents a model of effective integration of human rights activism and scholarship that gives voice to victims of mass atrocities and the ongoing difficulties they face.

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